

STANDARD APPLICATION  
Harford County  
Board of Appeals  
Bel Air, Maryland 21014

RECEIVED

FEB 5 2006

Case No. 5526  
Date Filed 02/13/06  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$ 50

HARFORD COUNTY COUNCIL

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation  
☐ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☐ Minor Area Variance  
☐ Area Variance  
☐ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code \_\_\_\_\_

CASE 5526 MAP 32 TYPE Variance

ELECTION DISTRICT 04 LOCATION 3405 Baywood Drive, Forest Hill 21050

BY Ronald Sadtler

Appealed because a variance pursuant to Sec. 267-23C(1)(a)[6] of the Harford County Code to permit a deck to encroach the 38' required rear yard setback (31' proposed) in the RR district requires approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Ronald Sadtler Phone Number 410 557 0954  
Address 3405 Baywood Drive Forest Hill Md 21050  
Street Number Street City State Zip Code

Co-Applicant \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

### Land Description

Address and Location of Property 3405 Baywood Drive  
Forest Hill, Md.

Subdivision Jarrettswood

Lot Number 37

Acreage/Lot Size .68 ac. Election District 04

Zoning RR

Tax Map No. 32 Grid No. 3C Parcel 388 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: house, 2 sheds, 1 playhouse  
gardening & workshop.

Estimated time required to present case: 15 minutes.

If this Appeal is in reference to a Building Permit, state number NO

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

### Request

I am requesting a 7' variance in order to build  
a 12' deck in my back yard.

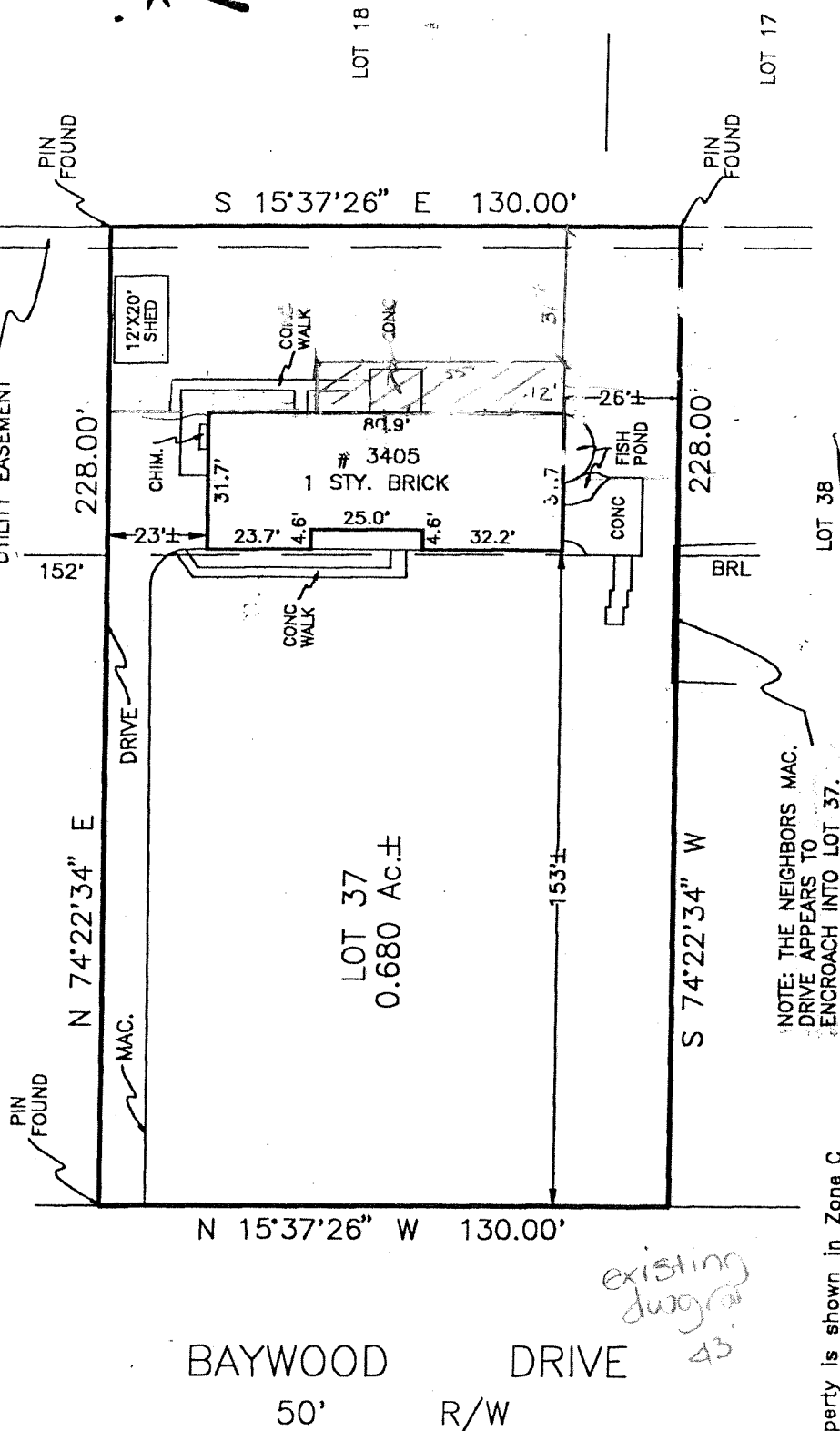
### Justification

Due to the location of the septic reserve area in my front  
yard, our house was built 15'3" from the property line. This  
reduced the amount of usable space in my rear yard to 43'.  
Since my rear neighbor's house is set back 125', my 7' variance  
request will have no impact upon their privacy.

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

**NOTES:**

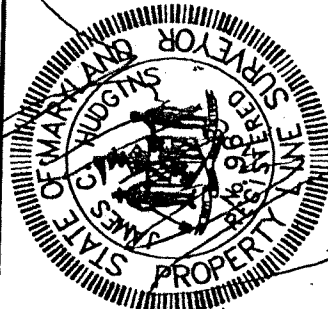
- 1) B.L. Information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by N.T.T. Associates, Inc.
- 2) Building line and/or Flood Zone Information is subject to the interpretation of the originator.
- 3) N.T.T. Associates, Inc. does not certify to unknown or unrecorded encroachments or overlaps.
- 4) Property markers NOT found, or guaranteed by this location.
- 5) Setback distance accuracy.



Subject property is shown in Zone C on the FIRM Map of HARFORD COUNTY, Maryland on Community Panel 240040 0056 A. Effective MARCH 2, 1983

This is to certify that I have surveyed the property shown hereon, being known as **LOT 37 REVISED FINAL PLAT 2** and recorded among the land records of HARFORD County, Maryland in Plat "60", folio 88 for the purpose of locating the improvements thereon.

- \* This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing purposes.
- \* This plat is not to be relied upon for the establishment of location of fences, garages, buildings, or other existing or future structures.
- \* This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or for securing financing or refinancing.



J. Carl Hudgins PLS #96

**NTT Associates, Inc.**  
16205 Old Frederick Road  
Mt. Airy, Maryland 21771  
Ph. (410)442-2031  
Fax No. (410)442-1315

**Scale: 1" = 40'**  
**Date: 24SEPT87**  
**Field By: RIK**  
**Drawn By: RIK**  
**Drawing # 6493BEL**

DAVID R. CRAIG  
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO  
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

March 13, 2006

### STAFF REPORT

### **BOARD OF APPEALS CASE NO. 5526**

APPLICANT/OWNER: Ronald Sadtler  
3405 Baywood Drive, Forest Hill, Maryland 21050

REPRESENTATIVE: Applicant

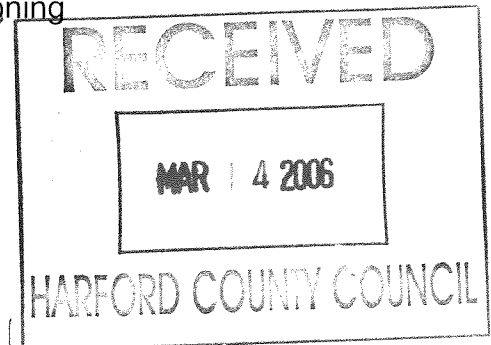
LOCATION: 3405 Baywood Drive - Jarrettswood  
Tax Map: 32 / Grid: 3C / Parcel: 388 / Lot: 37  
Election District: Four (4)

ACREAGE: 0.68± acres

ZONING: RR/Rural Residential

DATE FILED: February 13, 2006

HEARING DATE: April 5, 2006



### **APPLICANT'S REQUEST and JUSTIFICATION:**

#### Request:

"I am requesting a 7' variance in order to build a 12' deck in my backyard."

#### Justification:

"Due to the location of the septic reserve area in my front yard, our house was built 153' from the property line. This reduced the amount of usable space in my rear yard to 43'. Since my rear

*Preserving Harford's past; promoting Harford's future.*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • [www.harfordcountymd.gov](http://www.harfordcountymd.gov)

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Ronald Sadtler

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neighbor's house is setback 125', my 7' variance request will have no impact upon their privacy."

### **CODE REQUIREMENTS:**

The Applicant is requesting a variance pursuant to Section 267-23C(1)(a)[6] of the Harford County Code to permit a deck to encroach the 38-foot required rear yard setback (31-feet proposed) in the RR/Rural Residential district.

Section 267-23C(1)(a)[6] of the Harford County Code reads:

*[6] Unenclosed patios and decks: up to, but not to exceed twenty-five percent (25%) of the side or rear yard requirement for the district. No accessory structure shall be located within any recorded easement area.*

### **LAND USE and ZONING ANALYSIS:**

#### Land Use – Master Plan:

The Applicant's property is located in the northwest area of the County, and southeast of Jarrettsville. The property fronts on the east side of Baywood Drive in the development of Jarrettswood. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 1 and 2).

The subject property is located outside of the Development Envelope near the Rural Village of Jarrettsville. The predominant land use designations are Agricultural and Rural Residential. The Natural Features Map reflects Parks, Sensitive Species Project Review Areas, Stream Systems and Agricultural Preservation Districts and Easements. The subject property is designated as Rural Residential which is defined by the 2004 Master Plan as:

***Rural Residential** – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 3 and 4).

#### Land Use – Existing:

The existing land uses in the area conform to the intent of the Master Plan. The predominant land uses are single-family residential developments and Agriculture. Commercial uses are located around the Rural Village Centers. The topography of the area ranges from rolling to

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steep especially near the stream valleys. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 5 and 6).

The property is a rectangular shaped lot fronting on the east side of Baywood Drive in the Jarrettswood subdivision. The topography of the property is rolling. The property rises to the rear property line. The property also slopes from west to east. The right side of the dwelling is 2 stories out of the ground. The improvements consist of a brick and frame ranch dwelling with an attached 2 car garage, a blacktopped driveway, and 2 sheds, one in each rear corner of the lot and a wooden swing and play set. Across the rear of the lot are mature pine trees that are approximately 20 feet tall which fully screens the Applicant's property from the lot to the rear. The septic system is in front of the house and the well to the rear of the house. The property is nicely landscaped. Copies of site photographs are enclosed with the report (Attachment 7).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications are AG/Agricultural and RR/Rural Residential. The subject property is zoned RR/Rural Residential as shown on the enclosed copy of the Zoning Map (Attachment 8).

### SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-23C(1)(a)[6] of the Harford County Code to permit a deck to encroach the 38-foot required rear yard setback (31-feet proposed) in the RR/Rural Residential district.

Section 267-23C(1)(a)[6]:

*[6] Unenclosed patios and decks: up to, but not to exceed twenty-five percent (25%) of the side or rear yard requirement for the district. No accessory structure shall be located within any recorded easement area.*

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The lots along Baywood Drive were required to have a large front yard setback since the septic reserve areas are located in the front of the lots. Enclosed with the report is a copy of the subdivision plat (Attachments 9). In most cases a 152 foot setback was established due to topography and the location of the septic reserve areas. When the lots were created the Code required only a 40 foot front yard setback and a 50

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foot rear yard setback. For the subject property this only left enough area for a 26 foot wide house. If the house met the setback this would have allowed a 12 foot deck. Unfortunately a 31.7 feet wide dwelling was constructed leaving only a 43 foot rear yard setback. The dwelling was constructed approximately 33 years ago. The Applicant is proposing to construct a 12-foot wide deck which is consistent with other decks in the area. The request should have no adverse impact on the residence to the rear. There is a row of mature trees across the property line and the dwelling on the adjacent lot would be approximately 125 feet from the deck. It appears that adjacent dwellings would be able to build a deck 12 feet wide without requiring Board Approval. The requested variance should have no adverse impact on the adjacent properties or the intent of the Code.

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department recommends that the requested variance be approved subject to the applicant obtaining all necessary permits and inspections to construct the deck.

  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/jf